

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER MELLING,

Plaintiff,

18 Civ. 3514 ()

v.

NOTICE OF REMOVAL

HAMILTON POINT INVESTMENTS, LLC,

Defendants.
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PLEASE TAKE NOTICE that Defendant Hamilton Point Investments, LLC (“Defendant”) hereby removes the above-captioned action from the Supreme Court of the State of New York for Kings County, Index No. 510147/2018 (the “State Court Action”), to the United States District Court for the Eastern District of New York. This removal arises under 28 U.S.C. §§ 1332, 1441 and 1446. As grounds for removal, Defendant states as follows:

Procedural Background

1. On May 16, 2018, Plaintiff Christopher Melling (“Plaintiff”) filed his Verified Complaint in the State Court Action. Copies of the Summons and Verified Complaint are attached as Exhibit A. Pursuant to 28 U.S.C. § 1446(a), Exhibit A constitutes the only process, pleading or order in this case.
2. On May 18, Plaintiff purported to effect service of the Summons and Verified Complaint on Defendant’s registered agent in Delaware.
3. Defendants are timely filing this Notice of Removal pursuant to 28 U.S.C. § 1441 to the United States District Court for the Eastern District of New York within 30 days of the purported service as required by 28 U.S.C. § 1446(b). Defendants reserve any and all rights,

claims, and defenses, of any nature whatsoever, but not limited to defenses related to jurisdiction and statutes of limitation.

Jurisdiction and Grounds for Removal

4. This Court has subject-matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1332 because the parties are completely diverse and the amount in controversy exceeds \$75,000.

5. Defendant is a limited liability company incorporated in Delaware, with its principal place of business in Connecticut.

6. Plaintiff is, upon information and belief, an individual residing at 9 College Place, Apartment 2, Brooklyn, NY 11201. (Ex. A., Compl. ¶ 8.)

7. Thus, as required by 28 U.S.C. § 1332(a), there is complete diversity between the parties because Plaintiff is a citizen of New York and Defendant is a citizen of Delaware and Connecticut.

8. Plaintiff seeks damages “in an amount to be determined at trial, but in no event less than \$500,000.” (Ex. A, Compl. ¶¶ 61, 67.)

9. Plaintiff’s allegations thus allege an amount in controversy exceeding the \$75,000 minimum required by 28 U.S.C. § 1332(a).

Conclusion

This Court has original jurisdiction pursuant to 28 U.S.C. § 1332 because this is a civil action between citizens of different states and the matter in controversy exceeds \$75,000. This action therefore may be removed to this Court pursuant to 28 U.S.C. § 1441.

A copy of this Notice of Removal will be filed with the Clerk of the Supreme Court of the State of New York, Kings County and will be sent to Plaintiff promptly after filing, as required by 28 U.S.C. 1446(d).

DATED: June 15, 2018
New York, New York

Respectfully submitted,

WILLKIE FARR & GALLAGHER LLP

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